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(Original Signature of Member)

108TH CONGRESS
2D SESSION

H. R. _____

To amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to develop and implement a program to enhance private sector preparedness for emergencies and disasters.

IN THE HOUSE OF REPRESENTATIVES

Mr. TURNER of Texas introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to develop and implement a program to enhance private sector preparedness for emergencies and disasters.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Private Sector Pre-
5 paredness Act of 2004”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Private sector organizations own 85 percent
4 of the Nation's infrastructure facilities and employ
5 the vast majority of the Nation's employees. The re-
6 sources of these organizations, including property
7 and personnel, can be coordinated in an emergency
8 situation more efficiently than the population in gen-
9 eral.

10 (2) Private sector organizations are often un-
11 prepared for emergencies, whether resulting from a
12 natural disaster or a terrorist incident. Although
13 there have been exemplary efforts by select private
14 sector organizations, emergency preparedness is not
15 generally a priority for these organizations.

16 (3) The hearings of and testimony before the
17 National Commission on Terrorist Attacks Upon the
18 United States demonstrated that the lack of emer-
19 gency preparedness and evacuation planning, train-
20 ing, and exercises by private sector organizations
21 may have contributed to additional casualties at the
22 World Trade Center on September 11, 2001.

23 (4) Although there may be an interest in pro-
24 moting emergency preparedness within private sector
25 organizations, there remains uncertainty and confu-
26 sion as to the definition of appropriate and adequate

1 preparedness and what actions these organizations
2 should take.

3 (5) Identifying standards and best practices is
4 necessary to promote emergency preparedness by
5 private sector organizations, in addition to edu-
6 cational activities to effectively communicate such
7 standards and best practices.

8 **SEC. 3. PRIVATE SECTOR EMERGENCY PREPAREDNESS**
9 **PROGRAM.**

10 (a) ESTABLISHMENT OF PREPAREDNESS PRO-
11 GRAM.—Title V of the Homeland Security Act of 2002
12 (6 U.S.C. 311 et seq.) is amended by adding at the end
13 the following:

14 **“SEC. 510. PRIVATE SECTOR EMERGENCY PREPAREDNESS**
15 **PROGRAM.**

16 “(a) PREPAREDNESS PROGRAM.—Not later than 90
17 days after the date of enactment of this section, the Sec-
18 retary shall develop and implement a program to enhance
19 private sector preparedness for emergencies and disasters,
20 including emergencies resulting from acts of terrorism.

21 “(b) PROGRAM ELEMENTS.—In carrying out the pro-
22 gram, the Secretary shall develop guidance and identify
23 best practices to assist or foster action by the private sec-
24 tor in__

1 “(1) identifying hazards and assessing risks
2 and impacts;

3 “(2) mitigating the impacts of a wide variety of
4 hazards, including weapons of mass destruction;

5 “(3) managing necessary emergency prepared-
6 ness and response resources;

7 “(4) developing mutual aid agreements;

8 “(5) developing and maintaining emergency
9 preparedness and response plans, as well as associ-
10 ated operational procedures;

11 “(6) developing and maintaining communica-
12 tions and warning systems;

13 “(7) developing and conducting training and ex-
14 ercises to support and evaluate emergency prepared-
15 ness and response plans and operational procedures;

16 “(8) developing and conducting training pro-
17 grams for security guards to implement emergency
18 preparedness and response plans and operations pro-
19 cedures; and

20 “(9) developing procedures to respond to exter-
21 nal requests for information from the media and the
22 public.

23 “(c) STANDARDS.—

24 “(1) IN GENERAL.—The Secretary shall sup-
25 port the development of, promulgate, and regularly

1 update as necessary national voluntary consensus
2 standards for private sector emergency preparedness
3 that will enable private sector organizations to
4 achieve optimal levels of emergency preparedness as
5 soon as practicable. Such standards include the Na-
6 tional Fire Protection Association 1600 Standard on
7 Disaster/Emergency Management and Business Con-
8 tinuity Programs.

9 “(2) CONSULTATION.—The Secretary shall
10 carry out paragraph (1) in consultation with the
11 Under Secretary for Emergency Preparedness and
12 Response, the Under Secretary for Science and
13 Technology, the Under Secretary for Information
14 Analysis and Infrastructure Protection, and the Spe-
15 cial Assistant to the Secretary for the Private Sec-
16 tor.

17 “(d) COORDINATION.—The Secretary shall coordi-
18 nate the program with, and utilize to the maximum extent
19 practicable__

20 “(1) the voluntary standards for disaster and
21 emergency management and business continuity pro-
22 grams developed by the American National Stand-
23 ards Institute and the National Fire Protection As-
24 sociation; and

1 “(2) any existing private sector emergency pre-
2 paredness guidance or best practices developed by
3 private sector industry associations or other organi-
4 zations.”.

5 (b) CONFORMING AMENDMENT.—The table of con-
6 tents contained in section 1(b) of such Act (116 Stat.
7 2135) is amended by inserting after the item relating to
8 section 509 the following:

 “Sec. 510. Private sector emergency preparedness program.”.